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| Application Number | | | | To be assigned 10177991 | |
| Filing Date | | | | February 17, 2004 | |
| First Named Inventor | | | | Havenga et al. | |
| Group Art Unit | | | | (presumed) 1635 | |
| Examiner Name | | | | (presumed) B. Whiteman | |
| Attorney Docket Number | | | | 2578-4509.2US | |
| Sheet | 1 | of | 2 | | |

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|-----------------------|-------------------|--------------------|----------|
| Examiner Signature | <i>P. L. Holt</i> | Date Considered | 10/18/04 |
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**INFORMATION DISCLOSURE
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Sheet 2

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| | |
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| Examiner Name | (presumed) B. Whiteman |
| Attorney Docket Number | 2578-4509 211S |

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|------------------------|--------------------------|--|----------------|
| PV | | #VERMA, Nature, 1997, pp. 239-42, Vol. 389. | |
| | | #ANDERSON et al., Nature, 1998, pp. 25-30, Vol. 392. | |
| | | #ARAI et al., J. Rheumatol, 1997, pp. 1787-95, Vol. 24. | |
| | | #DOHERTY et al., Osteoarthritis and Cartilage, 1998, pp. 153-60, Vol. 6. | |
| | | #IKEDA et al., The Journal of Rheumatology, 2000, pp. 990-6, Vol. 27. | |
| | | #NLXON et al., Clinical Orthopaedics and Related Research, 2000, pp. S201-213, Vol. 379S. | |
| | | #ARAI et al., Adenovirus Vector-Mediated Gene Transduction to Chondrocytes: In Vitro Evaluation of Therapeutic Efficacy of Transforming Growth Factor-beta1 and Heat Shock Protein 70 Gene Transduction, Journal of Rheumatology, 1997, pp. 1787-95, Vol. 24, No. 9. | |
| | | #ARAI et al., Control of Delivered Gene Expression in Chondrocytes Using Heat Shock Protein 70B Promoter, Journal of Rheumatology, August 1999, pp. 1769-74, Vol. 26, No. 8. | |
| | | #BARAGI et al., Transplantation of Transduced Chondrocytes Protects Articular Cartilage from Interleukin 1-Induced Extracellular Matrix Degradation, Journal of Clinical Investigation, 1995, pp. 2454-60, Vol. 96, No. 5. | |
| | | #DUPREZ et al., Overexpression of BMP-2 and BMP-4 alters the size and shape of developing skeletal elements in the chick limb, Mechanisms of Development, 1996, pp. 145-57, Vol. 57, No. 2. | |
| PV | | #SMITH et al., Genetic Enhancement of Matrix Synthesis By Articular Chondrocytes, Arthritis and Rheumatism, May 2000, pp. 1156-64, Vol. 43, No. 5. | |

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